

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DONALD ERNEST ALLEE,

CV. 05-978-HU

Petitioner,

ORDER

v.

JEAN HILL,

Respondent.

MARSH, Judge

Petitioner, an inmate at the Snake River Correctional Institution, brings this habeas corpus proceeding pursuant to 28 U.S.C. § 2254. Petitioner seeks to challenge the constitutionality of his 1995 conviction for sodomy, unlawful sexual penetration, unlawful sexual display of a child, and sexual abuse.

Petitioner unsuccessfully challenged this same conviction in Allee v. Morrow, 02-6157-CO. Before a successive § 2254 petition may be filed in this court, petitioner must seek authorization from the Ninth Circuit Court of Appeals to file a successive petition. 28 U.S.C. § 2244(b)(3)(A). On July 15, 2005, the Ninth Circuit denied petitioner's application to file a successive petition.

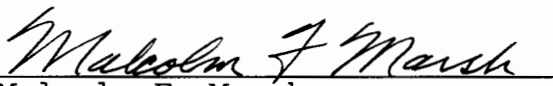
Allee v. Hill, CA 05-73880. Consequently, this action must be dismissed.

**CONCLUSION**

Petitioner's habeas corpus petition (#2) is DENIED as successive, and this proceeding is DISMISSED, with prejudice.

IT IS SO ORDERED.

DATED this 15 day of February, 2006.

  
Malcolm F. Marsh  
United States District Judge